

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

| | | |
|---------------------------------------|---|------------------------------|
| MAGTEN ASSET MANAGEMENT |) | |
| CORPORATION and LAW DEBENTURE |) | |
| TRUST COMPANY OF NEW YORK, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | C.A. No. 04-1494-(JJF) |
| |) | |
| NORTHWESTERN CORPORATION, |) | |
| |) | |
| Defendant. |) | |
| |) | |
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| MAGTEN ASSET MANAGEMENT CORP., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. Action No. 05-499 (JJF) |
| |) | |
| MICHAEL J. HANSON and ERNIE J. KINDT, |) | |
| |) | |
| Defendants. |) | |

**MAGTEN ASSET MANAGEMENT CORPORATION AND LAW
DEBENTURE TRUST COMPANY OF NEW YORK'S MOTION
TO EXCLUDE THE TESTIMONY OF CHARLES A. PATRIZIA
PURSUANT TO FED. R. CIV. P. 37(c)**

Plaintiffs Magten Asset Management Corporation and the Law Debenture Trust Company of New York (collectively, the "Plaintiffs") hereby move, pursuant to Rule 701 of the Federal Rules of Evidence and Rule 37(c) of the Federal Rules of Civil Procedure, to exclude the testimony of Charles A. Patrizia for the reasons set forth in Plaintiffs' Memorandum of Law and Declaration of John W. Brewer filed contemporaneously herewith.

Dated: January 31, 2008

Respectfully submitted,

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- and -

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2008, I served by hand delivery and electronic filing MAGTEN ASSET MANAGEMENT CORPORATION AND LAW DEBENTURE TRUST COMPANY OF NEW YORK'S MOTION TO EXCLUDE THE TESTIMONY OF CHARLES A. PATRIZIA PURSUANT TO FED. R. CIV. P. 37(c) using CM/ECF, which will send notification of such filing(s) to the following:


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I also certify that, on this 31st day of January, 2008, I served the aforementioned document, by email and Federal Express, upon the following participants:

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